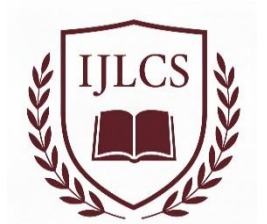


ARTICLE

MENSTRUAL EQUITY: FEMINIST ACTIVISM AND THE QUEST FOR GENDER JUSTICE



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Abstract

In the modern era of menstrual awareness, menstrual equity is still being thwarted globally because of period poverty, lack of menstrual health awareness, and social stigma around it. This paper analyzes the importance of menstrual equity as a battlefield for feminist activists through the lens of global trends and movements, examining how activists have thrived to achieve a society which promotes menstrual equity outside of the tapestry of shame, illiteracy, and poverty. Different aspects through which such a supportive and forward society can be built such as elimination of tax on menstrual products like sanitary napkin and tampons, availability of free menstrual products in educational institutions and for those who cannot afford the same, raising awareness to abate taboos and social stigma around menstrual hygiene, and formulating menstrual leave policies in workplaces are advanced. Using data by reviewing such movements from time to time by various menstrual equity organizations and examination of demands and recommendations in view of the recent judicial decisions on the same, this paper aims to analyze the strategies, challenges, and landmark occurrences through various movements till now. It further lays down the framework to achieve menstrual equity advanced by the feminist activists to promote fairness and equal participation of women in overall development of the nation, deprecating the patriarchal society and ignorance towards menstrual health awareness and sanitation.

Keywords – Menstrual equity, Feminist activism, Period poverty, Menstrual hygiene, Gender Justice.

I. INTRODUCTION

Menstrual equity is the one and only key factor which can help in the growth of every citizen who menstruates globally in terms of opportunities, education, and betterment. Fundamentally, it guarantees good menstrual health and a positive environment for those who menstruates by ensuring menstrual awareness, easily accessible menstrual products, and policies empathetic towards menstrual challenges without any resistance such as prejudiced attitudes, myths, and patriarchal beliefs related to periods.

A significant number of both girls and women face various problems regarding easy access of female hygiene products and essential facilities especially in under-developed regions and countries like Africa, Asia, and parts of Latin America. Due to excessive poverty and illiteracy, a large number of women suffer from critical health, educational and menstrual haphazard.

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A recent study conducted by UNICEF shows that 1 in 3 girls refrains from attending school due to insufficiency and unavailability of period products and period awareness.¹ Unawareness or a poor management of female hygiene during periods can damage the female reproductive organs permanently.² Even in developed countries like the United States, United Kingdom, period supplies are still highly expensive due to the everblooming taxation imposed upon them considering it as non-essential items and as a result many economically ill families and citizens cannot reach the needed number of menstrual hygiene products.³ The increasing expense of maintaining period health every month creates a financial burden which eventually results in compromised menstrual health and therefore gender biases and unequal opportunities.⁴

Besides unavailability and inaccessibility, the deficiency of education surrounding menstruation and female hygiene issues creates misconceptions, misbeliefs, and social stigma creating a sense of shame in young minds.⁵ Across different countries and cultures, it is still a matter which cannot be discussed in public and lots of myths and superstitions are surrounding it due to lack of education and knowledge of anatomy of menstruation, patriarchal attitudes, and gender inequity.^{6,7}

Moreover, most institutions including educational institutions and working sectors as well as public places still possess inadequate period supplies, amenities, and policies that are necessary for maintaining menstrual hygiene without which archiving complete physical and mental well-being by those who mensurate a challenge. Such facilities if available can help in creating a corroborative environment for menstruators as well as contribute to the national growth of a country as it creates equal opportunities for both male and female.⁸

Representation of Menstrual Equity Activists:

Advocation for menstrual equity has always been a battlefield for feminist activists be it campaigning for educational system accommodating menstrual needs and difficulties or availing menstrual supplies to workplaces, schools and public places in no cost or a minimum cost or framing such policies which is compatible to menstrual health maintenance and difficulties surrounding periods. Such attitudes both politically and nationally can fulfill the demands of those activists who raised a voice against such social stigma and patriarchy.

¹ UNICEF, Guidance on Menstrual Health and Hygiene 2–3 (2019).

² Colin Sumpter & Belen Torondel, *A Systematic Review of the Health and Social Effects of Menstrual Hygiene Management*, 8 PLOS ONE 4, 7–10 (2013).

³ PERIOD EQUITY, TAX POLICY IN THE U.S. (2021), <https://period.equity/resources/tax-policy-in-the-u-s>.

⁴ CHRIS BOBEL, THE MANAGED BODY: DEVELOPING GIRLS AND MENSTRUAL HEALTH IN THE GLOBAL SOUTH 52–78 (2019).

⁵ Linsey Mason et al., *We Keep It Secret So No One Should Know – A Qualitative Study to Explore Young Schoolgirls Attitudes and Experiences with Menstruation in Western Kenya*, 8 PLOS ONE 11, 13–17 (2013).

⁶ Ravi Garg et al., *Menstrual Hygiene Practices, ABST Beliefs and Reproductive Morbidity*, 26 INDIAN J. CMTY. MED. 1, 9–14 (2001).

⁷ Bobel J. Crawford & Candice Spivack, *Integral Voices on Menstrual Activism*, INTEGRAL TRANSFORMATION RESOURCE (2017), <https://integrallife.com/integral-voices-menstrual-activism>.

⁸ Marieka Jenkins et al., *Providing Menstrual Hygiene Aids and Services to Transgender and Non-Binary Students*, 17 INT'L J. ENVT. RSCH. & PUB. HEALTH 17, 2–4 (2020).

This paper apart from discussing various problems related to menstrual equity such as unaffordability of period supplies, lack of awareness, and absence of period-friendly policies and work environment; delves into the nitty-gritty as to how the feminist activists have tried their level best at the grassroot level and magnified areas to secure the rights of a menstruating citizen. Through a comprehensive analysis, this paper discusses the movements and campaign that those activists conducted, as well as, their effects on global feminist activism in terms of tax-free sanitary napkins and tampons, national policy where women are understood and facilitated during their monthly menstruation.

This paper argues that by achieving menstrual equity comprehensively by means of tax exemption, policy drafting, and awareness a nation can achieve true means of gender equality and equal footing for both genders. Also, by fulfilling the demands of the activists, the Governments not only provides the basic rights to women but also can end social taboos, misconceptions, and superstitions related to menstruation. Further, it will improve the female sexual health across the region. This paper delves into the development of feminist activism around menstrual equity as well as their demands, landmark achievements, strategies, challenges, ideas, and advancements worldwide.

II. HISTORICAL BACKGROUND OF MENSTRUAL INEQUITY

Period poverty and non-accessibility:

The lower rate of accessibility to menstrual products represents how unaware the Governments as well the officials are regarding the need of menstrual equity. In developing countries like Africa, various regions of Asia and Latin America, it is noticed that most of the women cannot afford expensive pads, tampons, menstrual cups or any medication for period cramps due to poor financial conditions. Even in advanced countries like the UK, Japan, etc., these topics are less talked about and ignored as can be inferred by their imposition of tax on period products. It has been noticed that in US, at some point of time at least 1 out of 4 individuals struggled to afford expensive period supplies in their lives.⁹

This lacuna created a great rift in achieving gender equality and equal participation of both male and female in national health, economy, and education. Also lack of awareness and period poverty caused the degradation of female sexual health as well as urinary function. Quite often it is noticed that non-maintenance of menstrual health caused severe health issues such as UTI, damage to reproductive organs, cervical cancer, and genital infection.¹⁰

Menstrual stigma and taboos:

Persistent stigmas and taboos around menstruation highlight the lack of menstrual awareness. Due to regressive cultural believes of the past this topic in most of the places are considered shameful, uncomfortable, and thus not discussed openly, whereas almost half of the population globally goes

⁹ Thinx & PERIOD, The State of Period Poverty 7 (2019), https://cdn.flocku.com/uploads/teacher_resource_system/resource/file/943660/State_of_Period_Poverty.pdf.

¹⁰ UNICEF, Guide to Menstrual Hygiene Materials, *supra* note 1, at 9–11.

through the same. For menstrual stigma and taboos such a natural biological process is considered obscene and often not talked about due to patriarchal traditions.¹¹

In many cultures, menstruating women are restricted from entering certain places such as kitchens, temples, garden, and are subjected to several dos and don'ts which are unscientific, further they are forbidden to practice their religious activities, they are often made to stay at home and are forbidden from touching certain things which is believed to become impure or polluted, if touched by a menstruating women become impure, any form of sexual activities is also forbidden during this period. The menstruation cycle is viewed as an impurity than a mere biological process. These period stigma gives rise of shame and unhealthy period practices compelling menstruators to maintain secrecy around periods.¹²

Lack of menstrual hygiene education:

Compounding problems relating to accessibility and misconception is caused by lack of proper education. As in most of the countries sex education is still not openly discussed, period education also remains unavailable or partly available. As a result, misinterpretation takes place from an early age and uninformed teenage menstruators often fails to maintain proper period hygiene and menstrual health practices.¹³

Even the proper usage of period supplies and discarding mechanism is still under-taught, as a result, this gap in knowledge leads to unsystematic management of period products such as using a product for extended periods than prescribed medically, which may cause infection and improper disposal of period waste material. At present, disposal of sanitary napkins is one of the biggest concerns globally as it tends to pollute soil easily as a nonbiodegradable waste.¹⁴ Needless to say, this lack of awareness often leads to shame, taboos, and malpractices.

Lack of periods policies:

Most institutions including educational institutions, offices and other workplaces, as well as public places do not have any facility or policy to accommodate menstruating women. Period days can be painful for most of the menstruators, which warrants paid menstruation leave to be provided to maintain a supportive work environment. There should be free or low-cost supplies of menstrual products and proper disposal system to ensure a sense of dignity, and unhindered, spontaneous participation at the workplace.¹⁵

¹¹ Pallavi Bharadwaj & Archana Patkar, *Menstrual Hygiene Management in Developing Countries: Taking Stock*, 3–6 (2004).

¹² Panacea's Project, *The Issue of Menstruation* (2021), <https://panaceasproject.org/the-issue-of-menstruation>.

¹³ Marni Sommer, *Overcoming Menstruation Stigma*, in *THE PALGRAVE HANDBOOK OF CRITICAL MENSTRUATION STUDIES* 635, 637–42 (Chris Bobel et al. eds., 2020).

¹⁴ Days for Girls, *Menstrual Hygiene Management Training* 32–36 (2020), https://pdf.usaid.gov/pdf_docs/PA00X8FZ.pdf.

¹⁵ JENNIFER WEISS-WOLF, *PERIODS GONE PUBLIC: TAKING A STAND FOR MENSTRUAL EQUITY* 109–125 (2017).

In schools there is unavailability of period products and hygienic washrooms to accommodate menstruators. This leads to absenteeism and discouragement of female students.¹⁶ The basic concerns related to menstrual health management still remain ignored in most of the places, be it an educational institution or a household. It restricts the equal rights and opportunities of both male and female in a democratic society.¹⁷

III. LANDMARK ACHIEVEMENTS OF THE MENSTRUAL EQUITY MOVEMENT

Exemption of the "tampon tax"

1. *Awareness campaigns:* The feminist activists have raised their voice from time to time to secure menstrual equity and gender equality in terms of a menstrual supportive system in forms of campaigns against imposition of higher tax on period supplies and poor menstrual management. The movement of "Tax Free Period" was funded and brought forward by various feminist groups and grass root level activists such as legal activists Jennifer Weiss-Wolf and Cosmopolitan magazine. Eventually several viral videos, celebrity participation, campaigns, awareness programs, camps, rallies, petitions, and appeals added to it.¹⁸

Other landmark menstrual equity movements such as helping period poverty, increasing availability of period products, drafting policy facilitating menstruating women and BRAWS have equally contributed from the ancient time advocating in favor of partnership of both male and female in economic and corporate society.¹⁹

Many formal and informal strategies have developed in accordance of already existing policies like UN Sustainable Development Goals to justify the menstrual management and disposal mechanism and hygienic health practices in not only country like US but also in state like Canada, Australia, Colombia, Kenya and India.²⁰

2. *Policy developments and their effects:* These multifaceted movements and activities gave birth to several landmark victories as well. In US, a special legislation was established to evaluate the taxability and exemption of menstrual products from sales tax which has successfully exempted such tax in various states like Florida, Illinois, California and Ohio as of 2022-23 as per a recent data.²¹ Campaigns in India under "No Tax on Periods" were probably the most protracted, lasting several years until success. On January 9th, 2022, the Indian government finally completely abolished the 12% tax on the sale of all sanitary pads and tampons. Similar achievements have been made through campaign pressure and in parallel legal defeats in Australia, Canada, and Colombia, Malaysia, and an extending list of other nations. The movement continues its efforts to secure universal tax law

¹⁶ SCHOOL MENSTRUAL HUB, ADVANCING MENSTRUAL EQUITY IN EDUCATION 3–7 (2022), <https://tinyurl.com/ycx79a74>.

¹⁷ *The Case for Paid Menstrual Leave*, QUARTZ (Dec. 3, 2020), <https://qz.com/work/1939959>.

¹⁸ PERIOD EQUITY, *supra* note 3; *Actions*, PERIOD MOVEMENT, <https://www.period-movement.com/actions>.

¹⁹ Victoria Hartmann, *The Tampon Tax: Sales Tax, Institutionalized Discrimination, & Menstrual Inequity*, 17 NW. J. L. & SOC. POL'Y 283, 295–305 (2022).

²⁰ *Id.* at 306–10; U.N. Population Fund, *Issue 7: Menstrual Equity & Period Myths* (2022), <https://tinyurl.com/yc7jf2hb>.

²¹ PERIOD EQUITY, TAX POLICY IN THE U.S. (2022), <https://periodequity.org/resources/tax-policy-in-the-u-s>.

exemptions on period products due to the conservative financial blow for the fight will not have been won until there is no regressive financial wipe.²²

Availability of free menstrual supplies

1. *Educational Institutions:* The stark linkages between period poverty, menstrual product access, and lost educational opportunities for students have made securing free universal provision of these products to all schools and campus bathrooms a leading activist objective. Through initiatives like the #FreePeriods campaign led by PERIOD, the effect of “period poverty” on absenteeism and academic setbacks faced by thousands of students is no longer considered an outsider issue but a rightful concern that disproportionately affects students from low-income and marginalized backgrounds. Lobbying the issue, grassroots constituent mobilization, media campaigns, and delivering huge product donations to schools began to make a difference. All of these efforts have uncovered archaic education codes devoid of any provisions for menstrual accommodation and free product provision, totally compromising equal learning opportunities.^{23,24}
2. *Period poverty:* At the same time, activists are targeting the introduction of free distribution laws for other groups at elevated risk of the dangers of imperious bleeding. Raising awareness of the personal testimonies of having to opt between paying for pads or tampons and days of dire poverty, #HappyPeriod has shown how the lack of product access empowers vicious cycles of deprivation and loss, and threatens basic hygiene, health, and dignity.²⁵

Tapping into legislative and regulatory approaches, service provider partners, and fundraising and product donations, these activists have rapidly turned their fledgling momentum into a variety of laws passed at the local and state levels. As early as 2022, menstrual products were required to be given away in shelters in Georgia, prisons in Arizona, and multiple government structures in areas such as Philadelphia. New York also has contributed in this movement of providing free pads and sanitary napkins in schools.²⁶

With the growing concern around period health and equity, the scope of more welcoming and developed society is shining brightly in different geographical locations and cultures while establishing menstruation as a normal biological process not some obscene, impure, and stigmatized topic.

Menstrual Awareness

1. *Educational initiatives:* A major step to attain menstrual equity is by including menstrual teaching in the academic curriculum mandatorily which will help in reducing the spread of myths, misinformation, and stigmas. Instead, students will know the biological process and good hygiene practices. The organization “PERIOD” is one of them which thrives to spread menstrual awareness through "Menstrual Movement" curriculum.²⁷

²² Hartmann, *supra* note 19, at 315–20.

²³ #FreeThePeriod for Youth Menstrual Equity, PERIOD, <https://tinyurl.com/djn423t5>.

²⁴ Period Equity, Address the School Policy Gap on Menstrual Equity (2022), <https://tinyurl.com/ybppc96k>.

²⁵ *The Issue*, #HAPPYPERIOD, <https://www.happyperiod.org/the-issue>.

²⁶ Lia Russell & Sydney Boles, *Period Poverty in the United States*, 105 WOMEN'S RTS. L. REP. 22, 31–36 (2022).

²⁷ PERIOD, Menstrual Movement Curriculum (2022), <https://www.period.org/curriculum>.

These experimental courses are being implemented globally at a rising rate. The PERIOD curriculum has been included in several regions, across K-12 and various university systems throughout the world. According to a recent survey it is noticed that in the US, over 50 US states have participated in this movement by implementing menstrual education.²⁸

Through these courses and activities girls are welcomed to talk about any kind of complication or difficulty during this period without feeling shameful or stigmatized. They are well-informed and advised for any kind of irregularities which might occur during menstruation.²⁹

2. *Advertisement and media drives:* Mainstream media and advertising industry have also changed their representation while showing any content relating to menstruation. In all the advertisements of period products, the period blood was being represented by a blue-colored liquid which tends to spread misinformation. In recent times, various companies like THINX have adopted a more honest method of representing menstruation by swapping it for red color.³⁰

At the same time, intersectional menstrual activists and celebrities have taken to social media to share personal period stories, which includes reprimanding bigoted education codes, inadequate policies at the workplace, and tampon taxes. These online stories, which are both raw and unfiltered, have seeped into popular culture and are seen in mainstream TV shows and movies such as *Turning Red*, which provide empowering, unapologetic depictions of menstruation that works to deconstruct myths and stereotypes.^{31,32}

Activist's nuanced and vocal assertions of menstruation's biological origins create a foundation for discussing periods directly and shamelessly through various mediums like online advertising, entertainment, public discussions, educational depict without any kind of shame.³³

Drafting menstrual leave policies

1. *Employment policies:* One of the most significant activists demands in achieving workplace menstrual equity and abolishing discriminatory norms on period-related standards has been to establish solid menstrual leave policies. Indeed, whereas many nations have legally recognized the right to menstrual time off, for instance, Japan, South Korea, Taiwan, and Indonesia, the United States has no federal laws on the subject. As a result, policies governing menstrual leave remain at the discretion of individual firms.³⁴

²⁸ Days for Girls, Menstrual Health Hub, <https://www.daysfogrevaluationals.org/> (last visited Apr. 15, 2024).

²⁹ Marni Sommer & Christina Gerdt, *Introduction: Interrogating the Dimensions of the MHM Challenge*, in PALGRAVE HANDBOOK OF CRITICAL MENSTRUAL STUDIES 13, 20–24 (2020).

³⁰ Toni Brayer, *This Period Underwear Campaign Shows Blood and Stands Out*, USA TODAY (Dec. 29, 2022), <https://www.usatoday.com/story/money/shopping/2022/12/29/thinx-period-underwear-advertising-campaign/69752618007/>.

³¹ Robyn Bren, *Turning Red Proves There's More Room for Periods in Pop Culture*, HEALTHLINE (Apr. 1, 2022), <https://www.healthline.com/health-news/turning-red-film-explores-periods-and-pop-culture>.

³² Alex Frank et al., *6 Celebrity Activists Who Are Destigmatizing Periods*, HARPER'S BAZAAR (May 27, 2022), <https://www.harpersbazaar.com/celebrity/latest/g40098466/celebrity-menstrual-activists/>.

³³ Pallavi Bharadwaj et al., *Destigmatizing Menstruation in Media and Entertainment*, in PALGRAVE HANDBOOK OF CRITICAL MENSTRUAL STUDIES 641, 641–46 (2020).

³⁴ Sandra Blockhuys et al., *It's 2022: Why Is Period Leave Still Being Debated?*, BLOOMBERG LAW (Mar. 23, 2022), <https://news.bloomberglaw.com/daily-labor-report/its-2022-why-is-period-leave-still-being-debated>.

More explicit legislative regulations, on the other hand, have been enacted in many states and towns. For instance, in states and the District of Columbia where public workers hold menstrual leave rights, activists have successfully campaigned for many legislative and local laws. There are some examples of them as well.³⁵

Furthermore, grassroots campaigns outside of policy advocacy have successfully pressured employers to offer menstrual leave benefits voluntarily. There has been a rise in petitions, social media activism, and even bargaining for corporate D&I plans and union contracts. Due to corporate cultural shifts, companies like Salesforce, Nike, Spotify, Adobe, and many others have taken on menstrual leave.³⁶

2. *Impact on workplace environment:* Some advocates also argue that securing menstrual leave is fundamentally an equity issue, as cisgender men and postmenopausal people are never subjected to equivalent recurring physiological events that often induce both pain and financial costs. Across the globe, the habit of treating menstruation as similar to a bog-standard employee health concern has placed a substantial financial burden on many who have had to drain sick time or skip work altogether due to particularly severe symptoms.

Menstrual leave policies can help affirm these biological realities as meriting accommodation above and beyond existing gender-neutral workplace standards. By alleviating health and financial stresses uniquely borne by menstruators, such policies achieve economic security, maximal productivity, and complete workplace participation untethered by stereotypes or disadvantage.³⁷

Moreover, according to recent findings, menstrual-related absenteeism and health problems cost the U.S. economy billions of dollars lost in productivity every year. If it becomes a paid leave, it might be beneficial for the economy if combined with the advantages of workplace equity and recruiting high-quality staff for the employers. Thus, establishing such policies reflects how modern feminists seek to reframe professional arenas as accommodating female biological processes and health.³⁸

IV. STRATEGIES AND CHALLENGES

Bridging cooperation between organizations

Perhaps one of the core proficiency and tactics of the menstrual equity movement has been creating large, meaningful coalitions by connecting intersectionality across different organizations. As menstrual inequity impacts all systems education, employment, clinical care, alignment among all categories has become absolutely important.³⁹

Such top policy reforms regarding ending the tampon tax or achieving free product distribution have relied upon collaboration and resource-sharing across all types of organizations, including

³⁵ Menstrual Equity for All Act, H.R. 3384, 117th Cong. (2022).

³⁶ Maxwell Strachan, *More US Companies Could Start Offering Period Leave*, FORTUNE (Apr. 25, 2022), <https://fortune.com/2022/04/25/period-leave-menstrual-policies-companies-us/>.

³⁷ Julia Khrebtan-Hörhager & Lynne Koleczek, *Should Companies Establish Menstrual Leave Policies?*, THE CONFERENCE BOARD (Aug. 1, 2022), <https://conference-board.org/topics/natural-environment/should-companies-establish-menstrual-leave-policies>.

³⁸ Sonya Rosenberg Belizzi & Micheal, *Redefining Boundaries: Menstrual Leave as A Catalyst for Rethinking Work-Life Balance*, in GENDER EQUITY IN THE WORKPLACE 59, 60–66 (2022).

³⁹ JENNIFER WEISS-WOLF, PERIODS GONE PUBLIC: TAKING A STAND FOR MENSTRUAL EQUITY 77–83 (2017).

reproductive justice NGOs, pro-choice people, anti-poverty NGOs, labor unions, school equity initiatives, and so forth.

However, differences around priorities, ideological leanings and competition for limited funding can strain these alliances. Finding common ground across the menstrual equity tent while respecting each group's distinct philosophies and demographics remains an ongoing challenge as the movement scales.⁴⁰

B. Garnering political and corporate support

Menstrual equity's policy goal and comprehensive legislative support can be achieved through political help and codified legislation which is another strong wing of the equity movement. Activists have from time to time tried their best to arrange awareness and importance of strategic legislation around menstrual equity with the support of big influencers of politics and democratic government. On the legislative side, coalitions successfully negotiated partisan divides between Republicans and Democrats, have written menstrual equity bills, inserted them into larger budget bills, and diffused blow back from skeptical legislators who dismiss period focused issues as silly and unworthy of attention. Crucially, enforcing bipartisan champions and leveraging economic and personal testimony have been critical components of policy enforcement.⁴¹

Within corporate, activists have leveraged social media pressure, shareholder resolutions, coordinated employee petitions, and diversity/inclusion proposal submissions. While corporate adoption of menstrual leave and reliable product representation in industrial marketing have been major accomplishments, activists have urged for more fundamental cultural changes.⁴²

Suppressing long standing intergenerational taboo

Despite shifting public attitudes, much of the world's shames and stigma frame menstruation as offensive to God or the body, obscene, or sinful. Taking down these separatist, sexist narratives strengthened and entrenched by thousands of generations of socialization will be a significant marketing process. Redistribution of education, promoting intersectional feminist values, delivering inspiring menstrual performers on TV, and advertising have changed the views of young generations.⁴³

Women of older generations have already associated their menstrual cycles with a sense of uncleanness, but it is obvious that only education is not enough. It is necessary to emphasize the empowerment of our representations, spreading truthful information, and finally changing the disgusting way menstruation is promoted in all advertising to old people. On the one hand, connecting period activism with other themes that echo with modern generations starting from LGBTQ+ inclusivity to racial justice, reproductive freedom, has made it even more warmly

⁴⁰ Elisabeth Lefebvre, *Activist Groups Working Toward Menstrual Equity*, GLOB. CITIZEN (May 28, 2022), <https://www.globalcitizen.org/en/content/menstrual-equity-activist-organizations/>.

⁴¹ WEISS-WOLF, *supra* note 39, at 91–109.

⁴² Jennifer Nelson, *Corporations Called on to Support Menstrual Equity by Black Girls and Women*, MS. MAGAZINE (Apr. 26, 2022), <https://msmagazine.com/2022/04/26/menstrual-equity-corporations-black-girls-women-period-supplies/>

⁴³ Hartmann, *supra* note 19, at 289–295.

embraced. Overall, overcoming the systemic inertia that contributes to menstrual stigma has been a central challenge.^{44,45}

Collecting viable capital

To conduct any kind of movements, especially something as impactful as menstrual equity, there has to be a hefty amount of monetary support and financial backing. The reformation is most likely to die down at a grassroots level if it does not get the attention at a larger scale globally to reform big sectors such as education and workplace policy as well as tax exemption.

Groups working for menstrual equity gather funds from public campaigns and crowdfunding to provide free period products to needy people and to arrange educational programs on menstrual health. However, such a big budget reformation calls for a substantial amount of capital to implement policies and gender equality and affordability globally. Needless to say, the matter is still under appreciated by big sponsors and governmental authorities.⁴⁶

To attain long-term and effective reformation of menstrual health management, the activists aim to change their approach to dilate their revenue generation policy through ingenious economic prototypes such as imposing tax on the manufacturer of period supplies, gathering corporate support through their CSR policy, and long-term capitalization of public funding. However, as of now lack of funding restricts the smooth functioning and enlargement of this movement.⁴⁷

V. LANDMARK WINS AND THEIR EFFECTS

Tax exemption in several regions

Undoubtedly one of the most important and effective victories is getting taxation exempted from menstruation products in various jurisdictions globally especially in most of the states of the US. The US has stated to implement “no tampon tax” for a long time, steadily overtaking all of the country starting from Florida, Illinois, Ohio. Texas has very recently exempted the tampon tax which took effect in September, 2023 while Kentucky legislative organ is still considering the exemption.⁴⁸ From an Indian perspective also, activists are successful in implementation of policies in accordance with period poverty and hygiene management by ensuring the supply of free period supplies through CARES Act and also through other COVID relief acts. Nationally, the Central Government has taken the initiative to promote menstrual equity by exempting 12% goods and services tax on period supplies in 2022.

⁴⁴ Tina Soliman Hunter et al., *Traditional Period Stigmas*, in PALGRAVE HANDBOOK OF MENSTRUAL POL'Y & ACTIVISM 159, 176–189 (2022).

⁴⁵ Dana Walker & Lindsay Sabadosa, *Menstrual Equity as a Logic of Social Justice*, in PALGRAVE HANDBOOK OF MENSTRUAL POL'Y & ACTIVISM 27, 30–34 (2022).

⁴⁶ Audrey Carlsen & Shalini Sasikumar, *Capital and Bleeding*, in PALGRAVE HANDBOOK OF MENSTRUAL POL'Y & ACTIVISM 687, 688–692 (2022).

⁴⁷ Jillian Christine Kohler et al., *Social Enterprise and Innovation Models for Menstrual Equity*, in PALGRAVE HANDBOOK OF MENSTRUAL POL'Y & ACTIVISM 747, 764–776 (2022).

⁴⁸ Aria Bendix, *States Have Been Eliminating Taxes on Period Products for Years: Here's Where You'll Still Pay Them*, NBC NEWS (Jan. 9, 2024), <https://www.nbcnews.com/health/womens-health/where-tampons-pads-period-products-are-taxed-map-rcna132874>.

Similar incidents of tax elimination are being recorded from other countries like Colombia, Canada, Germany. The growing list of such countries and regions indicate the changing mindset and societal atmosphere globally which is the sweet fruit of relentless campaigning and feminist activism.⁴⁹

Free supply policies

The other realm of pioneering policy breakthroughs has been expanding the constellation of nation-state and institutional policies mandating free menstrual product provision in key settings like schools, prisons, shelters, and workplaces to tackle period poverty and ensure equal participation. In the realm of education, for example, trailblazing legislation in several U.S. states including New York, Illinois, New Hampshire, and Georgia has since required all public schools to provide bathrooms with free pads and tampons for students. There has truly been similar legislation across Canada and much of Europe.

Moreover, courts, and legislatures enacted free product access requirements for prisons, jails, shelters, and other institutional facilities, not only in other states, such as Arizona, Georgia, and Colorado, but many municipalities as well. Furthermore, the U.S. government issued an order in 2022 that allows millions of federal workers access to free menstrual products through their employers. Through this gamut of policies, activists secured a series of groundbreaking reforms, all based on the central argument that menstrual dignity was a basic requirement for equal public health access, economic and labor involvement, and human rights.⁵⁰

Shifting cultural attitudes

Where quantifiable in taxes of products and access policies, arguably, the menstrual movement's most impactful role is in transcending how menstruation is talked of and addressed in public and in the institutional settings throughout the vast majority of the globe. What was previously referred to as a hush-hush issue and disguised in collusion code in media and advertisements, with the help of seminal media such as Disney/Pixar's *Turning Red* film, installations around menstruation have ventured into the open to spark important conversations between generations and to give much-deserved recognition to the original countries.

In every aspect of life, a comfortable environment is needed for personal life and liberty and equality of all genders. For this purpose, the inclusion of menstruation awareness curriculum is important as well as period friendly policies in workplaces, and availability of period leave. Only through these a society free of taboo and on equal gender footing is possible.⁵¹

It is pertinent to mention that there are still enough hurdles to overcome in order to achieve the desired state of equity where everybody is free to talk about menstruation without any shame and being stigmatized.⁵²

⁴⁹ Sara Spary, *The Global Movement to Abolish "Tampon Tax"*, N.Y. TIMES (July 1, 2022), <https://www.nytimes.com/2022/07/01/world/tampon-tax-menstrual-equity.html>.

⁵⁰ THINX, STATE OF STUDENT MENSTRUAL MOVEMENT (2022), <https://cdn.flocku.com/uploads/Networksfrom/2709368/document/1607334/The%20State%20of%20the%20Student%20Menstrual%20Movement%202022%20REPORT%20%28002%29.pdf?e7cf0822fca12d8623d20ca5b339968c>

⁵¹ Bobel J. Crawford & Candice Spivack, *Integral Voices on Menstrual Activism*, INTEGRAL LIFE (2017), <https://integrallife.com/integral-voices-menstrual-activism>.

⁵² PERIOD, Menstrual Movement Curriculum, <https://www.period.org/curriculum>.

Availability of menstrual leave policies

In workplaces activists also worked on supportive policies such as period leave both paid and unpaid and availability of period supplies in the washrooms of workplaces and other benefits for those who are menstruating. Even though most of these demands are mostly descended by the employers, some of the requests are heard in some of the places.

Several public sectors, especially in most of the zones of Kansas City, Missouri, states like Oregon, and the federal government in countries like Japan, Taiwan, and Indonesia have also executed menstrual leave policies for working women and whoever menstruates. In this aspect, the US is the most forward country who implemented several rules and regulations to maintain menstrual equity.⁵³

In corporate institutions both public and private have implemented menstruation friendly policies like paid menstruation leave, pliable working hours and, availability of period products in office. Companies like Nike, Salesforce, Spotify, Microsoft, L'Oreal have implemented remarkable changes in working policies for menstruating women as a part of inclusion mechanism and social responsibility.⁵⁴

VI. EMERGING JUDICIAL PERSPECTIVE ON MENSTRUAL EQUITY IN INDIA

Menstrual hygiene management as a facet of fundamental right

The Supreme Court's landmark judgement in *Young Lawyers Association v. State of Kerala* (2018) also called the Sabarimala judgement is very important for constitutional recognition of menstrual equality in India. The Court struck down the rule that kept women aged 10–50 out of the Sabarimala temple rejecting the idea that menstruation, purity, and pollution were reasons. The judgement said that a woman's biology and her menstrual status cannot be used alone to deny her access to public and religious places. By linking this to Articles 14 and 21 the judgement put equality, dignity, and equal citizenship at the centre of the debate. Challenged the use of menstruation as a basis for social discrimination and exclusion⁵⁵.

The judgement is especially relevant to equity because it rejected the notion that menstruation makes a woman impure or unfit to join social and religious life. Its emphasis on morality showed that old customs cannot escape constitutional scrutiny when they violate fundamental rights. Although Sabarimala did not create a right to menstrual leave to use sanitary products or to receive menstrual healthcare it gave a strong constitutional foundation for fighting menstrual stigma and discrimination. The reasoning opened the door for cases like the recognition of menstrual health and hygiene as matters connected with dignity, health, privacy, and education in *Dr. Jaya Thakur v. Government of India*.⁵⁶ Thus, Sabarimala marks a shift, from seeing menstruation through the lens of purity and taboo toward understanding it through constitutional equality, dignity and bodily autonomy⁵⁷.

⁵³ Weiss-Wolf, *supra* note 39, at 120–25.

⁵⁴ Menstrual Equity For All Act, H.R. 3384, 117th.

⁵⁵ Indian Young Lawyers Association v. State of Kerala, MANU/SC/1094/2018, 81–83.

⁵⁶ Jaya Thakur v. Union of India, 2026 INSC 97.

⁵⁷ *Id.* at 116–22, 249–53

Recently, the Apex court has been approached for providing free distribution of sanitary napkins to female students and for the creation and maintenance of separate lavatory for them in schools, as well as, for spreading awareness on menstrual hygiene and to grant other related reliefs in the interest of the public. It has been acknowledged by the court that lack of Menstrual Hygiene Management (MHM) infrastructure has contributed to increasing girl student absenteeism and dropouts. To combat this the Ministry of Health & Family Welfare has formulated the national Menstrual Hygiene Policy for School Going Girls.⁵⁸

The constitutional goal of achieving social justice is intertwined with ensuring equality of opportunity and gender justice through the exercise of substantive equality. The absence of MHM measures acts an exclusionary factor hindering female school admission, attendance, and retention. The key failures include: non-existent or dysfunctional separate female washrooms, lack of proper disposal facilities, and unaffordability of safe MHM materials.⁵⁹

The supreme court has stated explicitly that the right to menstrual hygiene is an aspect of the fundamental right to live with dignity. The lack of adequate MHM infrastructure violates the rights of female students to bodily autonomy. Reading Section 3, section 19, and the schedule of the RTE Act, 2009 conjunctively, clarifies that providing functional, gender specific toilets equipped with running water, free or subsidized sanitary products are a must to ensure free and compulsory education in the truest sense.⁶⁰

1. *De-stigmatization and the Role of Men*: The court has further purposed that actively involving male teachers and students in the educational systems by sensitizing them toward menstrual health can help mitigate taboos and social stigmas associated with menstruation as well as ignorance and patriarchal conditioning, that leads to hostile classroom environment, peer-teasing, and harassment against menstruating female pupils. Normalizing open discussions on reproductive health and viewing maintenance of menstrual health as a collective social responsibility rather than a private women's issue are the key to achieving gender justice and equality.⁶¹
2. *Judicial Directives and Impact*: The court in view of the significance of the matter issued certain mandatory directives to the government, such as establishment and maintenance of accessible, functional gender-segregated lavatory with privacy and proper washing facilities in both public as well as private schools located in urban as well as rural areas. Making available biodegradable menstrual absorbents free of cost and establishing mechanisms for safe and proper disposal of sanitary waste in such schools. The NCERT and SCERT to develop curricula addressing menstrual health and hygiene. Sensitization of teachers and spreading awareness on puberty as well as menstrual health through various channels.⁶²

In the aftermath of this judgment several measures have been taken by various departments of the government including provisions for functional toilets, WASH infrastructures, distribution of sanitary napkins through vending machines, Jan Aushadhi Kendras, Rogi Kalyan Samitis etc.,

⁵⁸ Jaya Thakur v. Union of India, 2026 INSC 97, ¶¶ 2,7,10.

⁵⁹ *Id.* ¶¶ 54, 68.

⁶⁰ *Id.* ¶¶ 74,75, 144, 146.

⁶¹ *Id.* ¶¶ 164–171.

⁶² *Id.* ¶ 173.

installation of waste bins and incinerators for safe and eco-friendly disposal, integration of specialized learning materials concerning menstrual health in the curricula, dissemination of customized brochures and flipbooks, as well as, training and sensitization of faculties. And observance of Menstrual Hygiene Day on 28th of May.⁶³

However, valid concerns as to absence of ground verification, under-allocation of State budgets for this cause, deficit in toilet infrastructure, and lack of permanent sanitary staff still persists.⁶⁴

C. Judiciary on paid menstrual leave

Even though the judiciary had taken a forward-looking approach towards MHM in view of its impact on education yet, in a PIL seeking paid menstrual leave and appropriate policy formulations for the same, has been rejected and the matter has been left open to the will of the executive.⁶⁵ The court had furthered remarked that although affirmative actions are permitted but the social realities and practical considerations are also to be taken into account, bearing in mind the state of the job market and employer's mind set such demands may lead to further discrimination and exclusion of women during the hiring process.⁶⁶

VII. CONCLUSION

The evolving condition of women and gender justice will be profited greatly if menstrual equity is attained globally. It will not only provide a non-stigmatized society but also stabilize the democratic nation by evening up the score between all the genders. The topic of menstruation is still considered obscene and impure in most of the countries especially in Asia which is embedded in superstitions and cultural misbeliefs. Even though it will take a long time to attain such a stigma free and supportive society, the present contributions and developments are enough to raise a ray of hope that with time the global women empowerment and gender justice and equity will and has come a long way. The concept of menstrual hygiene needs to be educated at the grassroot level so that this stubborn cicatrix of shame and taboo can be erased completely.

⁶³ Jaya Thakur v. Union of India, Writ Petition (Civil) No. 1000 of 2022 decided on 25 May 2026 (SC).

⁶⁴ *Id.*

⁶⁵ Shailendra Mani Tripathi v. Union of India, Writ Petition (Civil) Diary No. 73736 of 2026 decided on 13 Mar. 2026 (SC); Shailendra Mani Tripathi v. Union of India, Writ Petition (Civil) No. 327 of 2024 decided on 8 July 2024 (SC); Shailendra Mani Tripathi v. Union of India, Writ Petition (Civil) No. 127 of 2023 decided on 24 Feb. 2023 (SC).

⁶⁶ Shilpa Prasad, *Right to Menstrual Leave: Observations of the Supreme Court is Anti-Gender Justice*, LIBERATION (Mar. 27, 2026), <https://liberation.org.in/detail/right-to-menstrual-leave-observations-of-the-supreme-court-is-anti-gender-justice>